

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**NW XPRESS, LLC**, an Oregon limited  
liability company,

Plaintiff,

v.

**ARTISAN AND TRUCKERS CASUALTY  
COMPANY**,

Defendant.

Case No. 3:21-cv-234-JR

**ORDER**

**IMMERGUT, District Judge.**

On November 29, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”). ECF 28. Judge Russo recommended that this Court grant Defendant Artisan and Trucker Casualty Company’s Motion for Involuntary Dismissal, ECF 24, and dismiss the action with prejudice, for failure to prosecute. No party filed objections. For the following reasons, this Court ADOPTS Judge Russo’s F&R.

**STANDARDS**

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### **CONCLUSION**

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 28, is adopted in full. Defendant’s Motion for Involuntary Dismissal, ECF 24, is GRANTED. This action is DISMISSED with prejudice, for failure to prosecute.

**IT IS SO ORDERED.**

DATED this 16th day of February, 2022.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge